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LAW REFORM
COMMISSION
OF
NOVA SCOTIA

TWELFTH ANNUAL REPORT

April 1, 2002 to March 31, 2003

The Law Reform Commission of Nova Scotia was established by the Government of Nova Scotia under the Law Reform Commission Act, S.N.S. 1990, c.17. It began operation in 1991.

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The work of the Law Reform Commission of Nova Scotia for fiscal year April 1, 2002 - March 31, 2003 was funded by the Law Foundation of Nova Scotia.
The Commission gratefully acknowledges this financial support.

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INTRODUCTION: The Law Reform Commission's Historical Roots

The establishment of the Law Reform Commission of Nova Scotia in 1991 was not a matter of historical accident but rather the culmination of many years of experience and experimentation with other means of law reform.

The Commission was preceded by a number of earlier attempts to engage in somewhat systematic law reform activity. This activity was carried out under the aegis of several different bodies. In 1950 the Centre for Legislative Research was established at Dalhousie Law School by the late Dean Horace Read. The Centre's long range plan was *"to keep Nova Scotia laws under objective and politically disinterested study with the aim of discovering how to develop them best to fit the needs of the province"*. In 1953 the Nova Scotia Barristers' Society attempted to address the increasing need for formal law reform activities through the establishment of the Board of Legal Research. The work of both of these bodies was carried out by part time volunteers. By 1973 the Board of Legal Research had become inactive as had the Centre for Legislative Research some eight years earlier.

It became increasingly apparent during the 1950s and 1960s not only in Nova Scotia but throughout all jurisdictions in Canada that there was a very real need to a) engage in regular systematic law reform activities, and b) to carry out those activities through the mechanism of independent, stand alone law reform bodies properly funded and with permanent staff.

The Canadian Bar Association (CBA) was in the forefront of early efforts promoting and advocating the need for systematic law reform to be carried out by independent law reform agencies. A CBA initiative as long ago as 1918 resulted in the creation of the Conference of Commissioners on Uniformity of Legislation in Canada, now the Uniform Law Conference of Canada. The CBA's efforts were also singularly significant in the establishment in 1971 of the Law Reform Commission of Canada and indeed the CBA has been instrumental in the establishment of similar law reform bodies throughout Canada.

In 1965 the Council of the Nova Scotia Barristers' Society passed a resolution calling for permanent machinery which would ensure the continuous review of existing legislation, the promotion of revisions to existing legislation, and the promotion of new laws as required.

By the early 1970s, however, it had become obvious to all concerned that law reform could no longer be undertaken on an *ad hoc* volunteer basis but rather required permanent structures, permanent staff and permanent funding.

During the period 1972 - 1979 the Law Reform Advisory Commission (LRAC) provided the main focal point for law reform activities in Nova Scotia. This body, however, lacked both independence and for most of its existence any permanent staff. Although the LRAC ultimately studied some seventeen areas of law, by 1981 the terms of all of its members had expired and were not renewed. Its enabling legislation continued on the books until 1990 and the creation of the Law Reform Commission of Nova Scotia.

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All three of the above noted earlier law reform initiatives in Nova Scotia were characterized by the recognition of the need for law reform to be undertaken on a continuous basis.

The Commission concluded in its December 2001 Report entitled ***A Continuing Need for Law Reform: The Case For the Law Reform Commission of Nova Scotia*** that a review of over fifty years of law reform efforts in Nova Scotia revealed several recurring themes as follows:

- *"One constant has been an acknowledged need to keep the province's laws under regular review...*
- *Another constant is that law reform efforts in Nova Scotia have been meant to benefit the province as a whole ...*
- *A third constant is the recognition that to enjoy success in the long term, law reform must be conducted by an entity which enjoys permanence, full time operations, and independence."*

The Law Reform Commission of Nova Scotia was established some twelve years ago, in February 1991. It is a creature of statute and significantly its enabling legislation, *The Law Reform Commission Act* 1990, is entitled "An *Act* to establish an **independent** law reform commission."

When first established , the Commission was provided with a budget of $300,000 (now $376,000 in current dollars), half of which was provided by the Government and half from the Law Foundation. On average the Law Foundation has provided approximately a third of all of the Commission's core funding since its inception until the fiscal year beginning 2001. Since that time the Commission has been entirely funded by the Law Foundation of Nova Scotia.

The Commission's present and prospective funding arrangements and their implication for the Commission's future are discussed in further detail below under the section entitled *The Commission's Future: An Important Public Policy Issue.*

A. OVERVIEW OF THE LAW REFORM COMMISSION

The Law Reform Commission of Nova Scotia was created by the Government of Nova Scotia by the *Law Reform Commission Act.*[1] The Commission consists of between five and seven Commissioners (there are currently six), an Executive Director and legal research and administrative staff. The Commission reports to the public and the elected representatives of Nova Scotia through the Attorney General of Nova Scotia. It is not, however, a government department, but an independent advisor to government. The Commissioners, whose appointment process is set out in the *Act*, currently serve part-time and come from different sectors of the community. One Commissioner is a judge appointed by the Governor in Council (provincial Cabinet) after consultation with the Chief Justice of Nova Scotia and the chief judge of the court of which the judge is a member; two are community

[1] S.N.S. 1990, c.17, reproduced at **Appendix A**.

representatives appointed by Cabinet; two are appointed by the Council of the Nova Scotia Barristers' Society; and one person represents the full-time members of the Faculty of Law, Dalhousie University. One of the Commissioners must not be a graduate in law.

Mandate

The Commission's job is to review Nova Scotia law and to make recommendations for its improvement, modernization and reform. This may involve formulating new ideas and approaches to law, or proposing ways in which existing laws and the legal system can be made clearer or simpler to better serve the needs of the general public. The Commission may choose a topic for law reform based upon suggestions received from government, lawyers, judges, or the community. A project may also follow a government request, generally known as a reference. Since 1991, the Commission has received four references from the Government. The references related respectively to the administrative justice system, the probate system, mental health provisions of the *Hospitals Act*, and adoption information law.[2]

The Commission does not make law in Nova Scotia; that task is performed in part by the elected Members of the House of Assembly. The Commission's reports and recommendations are, however, formally presented to the Attorney General and may result in changes to the law. Law is also made through the decisions of judges and appointed administrative decision-makers in cases that come before them.

A distinguishing characteristic of the Commission is its independence from government. Although in the past the Commission received a significant portion of funding from government, on average about one third of its money came from other sources. Government has a role in Commissioner selection, but does not choose all of the Commissioners, and no Commissioner is chosen to represent the Government. The Commission does undertake government requests for law reform projects, as far as is feasible, but apart from that requirement, is free to select the work it undertakes. So long as done in compliance with its object and powers under the *Act*, the Commission enjoys a free hand in terms of its activities: it may conduct meetings, hire people, perform research, publish reports, enter into cooperative arrangements with other entities, and decide how its funds are to be spent.

Law Reform Process

The Commission usually prepares two publications during the course of a project. The first publication, the ***Discussion Paper***, sets out the Commission's preliminary suggestions for reform. The purpose of the Discussion Paper is to encourage people to consider and comment on the Commission's preliminary suggestions, as well as any issues, principles, and assumptions identified as having influenced the Commission's proposals for reform.

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[2] Reports on the administrative justice, probate, and *Hospitals Act* projects have been completed. Following completion of background research, work on adoption information law was suspended after news in 2000 of the loss of government funding. The project was subsequently referred to a committee formed by the Minister of Community Services.

As part of the preparations for a Discussion Paper, the Commission generally forms an ***Advisory Group***. The Advisory Group usually consists of Commission legal staff, and a number of community members, including government representatives, the judiciary, lawyers and other professionals, as well as participants from groups with interest or expertise in the topic being studied. The Group meets to identify and discuss relevant issues, as well as to propose to the Commission what should be included in a Discussion Paper.

The second publication is a ***Final Report,*** which is submitted to the Attorney General, and which is widely distributed. It contains the final recommendations of the Commission and, in some cases, a draft law. The Commission makes its final recommendations after it takes into account the responses it receives to the Discussion Paper. A Final Report is intended to provide a basis for the Government to consider and adopt the recommended reforms. The process adopted by the Commission, of seeking expert advice, consulting widely, synthesizing feedback, deliberating and report writing, is a time-consuming one. It is a process, however, which is designed to give greater weight and credibility to the final recommendations which result. The Commission does not engage in active advocacy regarding implementation of its recommendations beyond providing the recommendations to the Government and members of the public. The Commission has produced 28 project reports and 11 annual reports, which are listed at **Appendix C**. [All reports can be downloaded without cost from the Commission's website.]

Effects of Law Reform Work

Recommendations in Commission Final Reports have been brought into effect in a number of ways. In 1994, a new *Maintenance Enforcement Act* (known since 2000 as the *Maintenance and Custody Act*) was created, to improve the province's system which enforces court orders for maintenance obligations. The 1994 statute was largely based on a draft *Act* contained in the Commission's Final Report on the enforcement of maintenance obligations in Nova Scotia. Both the 1998 *Juries Act* and the 2000 *Probate Act* were largely modelled on recommendations made in Commission Final Reports. In 1998, the *Intestate Succession Act* was amended, to end distinctions based upon whether or not a child was born outside of marriage. The Commission's 1995 Final Report, ***The Legal Status of the Child Born Outside of Marriage in Nova Scotia***, had recommended such a change. Moreover, the Commission's 1997 Final Report, ***Reform of the Law Dealing with Matrimonial Property in Nova Scotia,*** recognized the need for reform of the law which governs the economic consequences of the ending of marriages or marriage-like relationships. In particular, the 1997 Report recommended that the relevant law should apply to both married and cohabiting couples, with no distinction based on the sex of the people involved. Following the Nova Scotia Court of Appeal decision in *Walsh* v. *Bona*,[1] which held the current law not to be consistent with the *Canadian Charter of Rights and Freedoms*, and which quoted at length from the 1997 Commission Report, the *Matrimonial Property Act* as well

[1] (2000), 183 N.S.R. (2d) 74.

as other laws were changed in 2000 to extend certain rights and obligations to common law relationships, including same-sex couples.[4]

The influence of the Commission's work goes beyond legislation. Certain Final Report recommendations have been implemented through government policies or protocols. Further to the Commission's 1995 Report on ending domestic violence in Nova Scotia, the Government trained some 2000 of its personnel in appropriate responses to domestic violence and established a domestic violence monitoring committee. Following the Commission's Final Report on reforming Nova Scotia's administrative justice system, in 1998 the Government established a course, "Foundations of Administrative Justice," to train members of tribunals that conduct hearings.

Commission reports have also served an important educational function. Available for free, either in print or through the Commission's website, they have been used as a source of legal information, not only by lawyers, but by a wide range of community members. Commission reports have also been used as course materials in high schools and at post-secondary institutions. Government, public interest groups, and other organizations have relied on Commission reports in order to develop awareness of issues and to focus discussions among interested people.

The contents of Commission reports have been referred to by a number of courts as part of their published case decisions. Commission reports have been mentioned by judges in the context of interim payment of damages, matrimonial property, administrative law, the jury system, and the legal status of the child born outside of marriage.

Nova Scotia House of Assembly members from the Liberal, New Democratic, and Progressive Conservative parties have referred with approval to Commission reports or to Commission work generally, during the course of legislative debates.

Most of the Commission's time is spent choosing, discussing, and researching law reform subjects, followed by report writing and communicating the conclusions reached. Another significant role of Commission staff is responding to inquiries about the law or about aspects of the Commission's work. The Commission does not provide legal advice, nor does it intervene in individual cases. Nonetheless, since 1991 Commission staff have responded to a large number of inquiries, which were made by telephone, by fax, by letter, by e-mail, or in person. In replying to inquiries, Commission staff have provided legal information, copies of Commission reports as well as other documents, and contact details for government departments and other relevant institutions.

Funding

From 1991 to 2001, the Commission was funded jointly by the Nova Scotia Department of Justice and the Law Foundation of Nova Scotia. This funding covered all of the Commission's costs. Virtually all of the Commission's funding has taken the form of core or "block" funding, rather than

[4] *Law Reform 2000 Act*, S.N.S. 2000, c. 29.

money tied to the completion of particular work. The Law Foundation, which funds work relating to the law, legal education, and the administration of justice, obtains its funds from the interest on lawyers' general trust accounts. The Law Foundation's objects specifically include law reform.[5] In August of 2000, the Commission learned that it would no longer be receiving government funding, beginning with fiscal year 2001-2002. Fortunately, in February 2001 the Commission received a three-year grant of $250,000 per year from the Law Foundation of Nova Scotia. This funding has allowed the Commission to continue its law reform work.

B. THE YEAR IN REVIEW 2002-2003

Work Program and Publications:

During the past year the Commission completed and issued two publications and began work on a number of other projects. A brief outline of some of the key features of those publications and projects is set out below:

Publications:

1. Joint Tortfeasors and the Common Law "Release Bar Rule"

In August 2002, the Commission published its Final Report *Joint Tortfeasors and the Common Law "Release Bar Rule"*.

This report is concerned with an obscure distinction at common law between a *release of* and a *covenant not to sue* joint tortfeasors. A release is an act or writing by which some claim, right or interest is given up to the person against whom the claim, right or interest could have been enforced. A covenant not to sue is an agreement whereby a plaintiff releases one wrongdoer from liability, but reserves the right to sue others. At common law, a release provided by a plaintiff to one joint tortfeasor prevents a claim being made against any other joint tortfeasors. This is generally known as the "release bar rule". Where, however, a covenant not to sue is provided, the plaintiff is not prevented from making a claim against other joint tortfeasors. This distinction, which is not widely known, has been described as creating a trap for the unwary.

The Commission recommends that the release bar rule, as it serves no public good and could lead to unfair results, should be explicitly abolished in its application to all wrongdoers. Elimination of the release bar rule should not, however, prevent an injured party, who wishes to do so, from expressly releasing all wrongdoers in a matter. Consistent with the approach in other jurisdictions where the release bar rule has been expressly abolished, the Commission also recommends that elimination of the release bar rule should occur through statute.

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[5] *Barristers and Solicitors Act*, R.S.N.S. 1989, c. 30, s. 55.

2. *Builders' Liens in Nova Scotia: Reform of the Mechanics' Lien Act*

In January 2003, the Commission released its Discussion Paper, *Builders' Liens in Nova Scotia: Reform of the Mechanics' Lien Act.*

A lien is a charge, or claim, which one person has on the property of another as security for the payment of a debt. Builders' lien legislation grants people who perform work, provide services, or furnish materials in relation to real property (land, buildings or other structures) with a lien on the property improved by the lien holders' efforts.

Builders' lien statutes are meant to provide builders, suppliers, and others who improve land with some protection against an inability or refusal to pay by the property owner, a contractor or a subcontractor. Confusingly, Nova Scotia's builders' lien legislation is called the *Mechanics' Lien Act.*

The Commission has received a number of letters since 1993 suggesting that this legislation should be reformed. The Nova Scotia Branch of the Canadian Bar Association has also long considered that this area of the law was ripe for reform. More recently representatives of the construction industry have strongly urged the Government and the Law Reform Commission to undertake work leading to the reform of this area of the law. The construction industry is a significant component of the Nova Scotia economy.

As the Commission stated in its Discussion Paper on Builders' Liens in Nova Scotia: *"...Nova Scotia's laws should facilitate the well being, good management, and fair operation of this industry, one which touches many lives. In addition to people in the construction trade, the Mechanics' Lien Act is of importance to commercial and real property lawyers, employees of certain government departments, financial institutions, architects, engineers, and individual property owners. The Mechanics' Lien Act is more than 100 years old, and in some respects, has remained unchanged for all of its lifespan. Given these circumstances, the Commission considered it appropriate to examine the Mechanics' Lien Act in detail and where suitable, to make proposals for reform."*

Construction projects typically involve a pyramid-like structure of independent contracts. The owner is at the top, the next level is occupied by the general contractor, and additional levels are occupied by subcontractors or material suppliers. Payments as part of a construction project are generally made as the work progresses and proceed from top to bottom of the pyramid. Given the number of contractual relationships that a construction project can involve, one party's inability or refusal to pay can negatively affect numerous people occupying lower positions in the construction pyramid.

Under builders' lien legislation, if lien holders are not paid for their work, the ultimate remedy is that a property may be sold, with proceeds divided among lien holders in priority to certain other creditors. Builders' liens therefore serve as a type of security for people who might

otherwise be unable to obtain payment for the value which they have provided.

The Commission's proposals for reform include: the *Mechanics' Lien Act* be extended to apply to the provincial Crown; certain guidelines for arbitration of a builders' lien dispute should be added to the legislation; trust fund provisions in the context of builders' liens should be adopted; the right of lien holders to seek information relevant to their lien claims from owners and certain other parties should be expanded; the ability to shelter ("piggy-backing" on another lien claim that has been made in time) should be eliminated, and the *Act*'s title should be changed to the *Builders' Lien Act.*

The Discussion Paper, which does not represent the final views of the Commission, is meant to encourage discussion about builders' liens. The Commission had invited comments about the Discussion Paper proposals or any other aspect involving builders' liens. At the end of the reporting period the Commission was reviewing and synthesizing the comments received on the Paper. These submissions will assist the Commission in preparing its final report which will be sent to the Attorney General.

It is anticipated that the Commission's Final Report on the reform of the *Mechanics' Lien Act* will be issued in June of 2003.

Work in Progress:

1. Reform of the *Wills Act*

Nova Scotia's *Wills Act* is based on legislation dating back to the 1800s, and has remained largely unchanged since that time. While other Canadian jurisdictions have effected changes to their respective legislation to bring it into the modern era, Nova Scotia to date has not.

A will, although not legally required, can be an important document for anyone who owns property. A will can provide comfort to people from the knowledge that their property will be distributed in accordance with their wishes upon their death. It can also ensure that adequate financial support will be available for young children and other potentially vulnerable persons. A will is also often the cornerstone of an estate planning strategy designed to reduce the amount otherwise payable in taxes and probate fees. The *Wills Act* is the legislation which governs the creation of a valid will in Nova Scotia and is, therefore, not just important for people who work with wills such as lawyers, judges and employees of banks and trust companies. Rather, the *Wills Act* is of importance to anyone in Nova Scotia who is concerned about how his or her property will be distributed upon death.

This project arose from suggestions and comments received by the Commission during the course of preparing and completing its Final Report *Probate Reform in Nova Scotia.* It was thought that there were a sufficient number of reform issues to justify a separate project on

the *Wills Act*. As a consequence, the Commission established an Advisory Group, held its first meeting and had drafted an Issues Paper by the end of the fiscal year.

It is anticipated that a Discussion Paper on reform of the *Wills Act* will be completed and issued in the early summer of 2003, to be followed by a Final Report later in the year.

2. Court-ordered structured settlements-Personal Injury Damage Awards

Work on this project began in the latter part of 2002. The project concerns itself with the issue of whether or not the courts in Nova Scotia should have jurisdiction to order in certain circumstances the imposition of a structured settlement when awarding damages in personal injury cases.

A structured settlement is simply a means of paying a claimant their damages in whole or in part by means of periodic payments rather than a one-time lump sum payment. A structured settlement is generally achieved by means of purchasing an annuity from an insurance company which guarantees a future monthly income. At present in Nova Scotia, the courts do not have the jurisdiction to order or impose upon unwilling parties a structured settlement. Parties are, however, free to negotiate such an arrangement and often do consent to a structured settlement. Several other jurisdictions in Canada currently provide for court-ordered structured settlements, namely, British Columbia, Manitoba and Ontario. It is argued by proponents of court-ordered structured settlements that they eliminate some of the costs and risks associated with lump sum payments such as the problems arising when the recipient of a lump sum payment outlives his or her life expectancy.

Although the issue is somewhat controversial amongst the practicing Bar, the Commission concluded, however, that there was a sufficient public interest aspect to the issue to merit initiating a project. By the fiscal year end, an Advisory Group for this project had been established, held its first meeting, and the Commission had completed significant work on an Issues Paper. It is anticipated that a Discussion Paper on this subject will be published in the summer of 2003, to be followed by a Final Report later in the year.

3. Access to Justice - Civil Justice Reform Initiative

In the summer of 2002, the Commission began work on an access to justice-civil justice reform initiative consisting of two component projects.

Rules Revision Project:
The first component entitled the *Rules Revision Project* involves a comprehensive reform of the Nova Scotia Civil Procedure Rules. The Rules were last comprehensively revised in 1972. During the past thirty years, the Rules have been amended from time to time on an *ad hoc* basis. It is now felt, however, that the Rules are urgently in need of a comprehensive revision.

There is widespread concern that the civil justice systems throughout Canada have become inaccessible to more and more people. The complexity of both the laws and rules of procedure has exacerbated costs and delays in the civil justice system. This in turn has resulted in an inability for many people to be able to afford the cost of legal representation or, alternatively, to obtain assistance through current legal aid programs. Furthermore the language of rules and procedures militates against understanding and either dissuades the self-represented litigant from using the system at all or makes it considerably more difficult and time consuming to do so.

The Rules as now drafted contribute in some measure to these problems. Equally their revision and simplification holds the promise of significantly contributing to the amelioration of these same problems and of enhancing access to justice. Under the existing framework for Civil Procedure Rules amendment/revision, there is no permanent decision-making body with the required administrative and related resources to facilitate systematic and comprehensive Rules revision. The Law Reform Commission of Nova Scotia was consequently approached jointly by the Judiciary and the Bar and asked to take on the essential administrative and coordinating role for such a project. It was believed that the Commission's independence and extensive experience with legal research and law reform uniquely positioned it to carry out this role.

The Commission believes that the quality of the Nova Scotia civil justice system is of importance to all Nova Scotians. The Rules are seen as being vitally important to the health of that justice system, and for that reason the Commission agreed to assist and facilitate this important public project.

The proposed project envisages the Commission providing a secretariat for the project as well as substantive legal research and related assistance. The judiciary has undertaken to provide the services of a supernumerary judge who would be dedicated to the project. Volunteers from both the bench and the bar would provide very significant contributions of time to the various specialists working groups. In support of a funding request submitted to the Department of Justice in December of 2002, the Commission submitted as follows:

> *" The Rules clearly engage issues of both cost and delay within the justice system. They have, therefore, a critical role to play in facilitating and enhancing access to justice. Failure to keep the Rules current has broad economic and social cost implications. While the costs of a Rules Revision Project pale in comparison, the potential benefits in improving access to justice and the cost effectiveness of the civil justice system are significant."*

Although the Commission has been advised that the funding request for this project is under consideration by the Attorney General, there had been no indication by the end of the fiscal year as to whether the request for funding would be successful.

Access to Justice Project:
The second component of this reform initiative is the Access to Justice Project. This project, although still in its preliminary stages, was initiated in an attempt to address at least some of the many access to justice issues which, it is believed affect the civil justice system. It was felt that the nature of the access to justice challenges in the civil justice system are sufficiently widespread and compelling to call for a broader approach than that which was envisaged for the Rules Revision Project

Access to justice has traditionally been seen as requiring at least access to legal services, that is, legal representation before the courts. The high cost of these services make it increasingly difficult and often impossible for individuals to access the law courts with the assistance of legal counsel. Reductions in legal aid funding across the country and the narrowing of eligibility criteria have only exacerbated this access to justice problem. As a consequence, there has been a dramatic growth in the number of self-represented litigants who are a regular feature at all levels of court. The significant growth in the numbers of self-represented litigants emphasizes the need for both simplification of procedures and also the availability of early alternatives to litigation. The access to justice project will focus on a comprehensive examination of existing dispute resolution processes. Two principle aspects of this project will be the examination and consideration of simplified court proceedings and alternatives to litigation. In addition, several discrete issues which have general relevance to access to justice and in particular to costs and delays will be examined.

In order to enhance the Commission's capacity to undertake this project, the Commission sought financial support from both the Federal Department of Justice and the Law Commission of Canada While both of those potential funding sources have responded positively to the project concept, to date only the Law Commission of Canada has committed itself to concrete participation. As a preliminary step the Law Commission of Canada has agreed to fund the Commission's participation in an international symposium on access to justice to be held in Toronto in late May of this year. At that time it is anticipated that the Law Reform Commission of Nova Scotia and the Law Commission of Canada will work out the details of their joint participation in, and contribution to, this project.

A New Partnership: Saint Mary's University

In December 2001, the Commission initiated discussions with Saint Mary's University regarding the possible establishment of cooperative arrangements and a future partnership. Discussions continued the following year and culminated in a formal Memorandum of Understanding, which had been agreed upon by March 2003. The Memorandum sets out one of the basic principles underlying this new partnership in the following terms: "*Saint Mary's believes in the importance of law reform to all Nova Scotians and wishes to assist the Law Reform Commission with its work.*"

As a result of this partnership, the Commission will re-locate its offices to Saint Mary's University in order to better enable both the Law Reform Commission and Saint Mary's to pursue collaborative opportunities including potential joint research projects.

Saint Mary's has a long history of forging partnerships with community groups resulting over the years in a number of innovative programs of community outreach, which respond to specific community needs. Examples of the University's community outreach include a Business Development Centre, Saint Mary's University Art Gallery, the Burke-Gaffney Observatory, the Gorsebrook Research Institute for Atlantic Canada Studies, and more recently the Atlantic Centre for Ethics & Public Affairs.

Moving the Commission offices to Saint Mary's will not only assist the Law Reform Commission to reduce its administrative overhead costs, but it will also enhance Saint Mary's community outreach objectives and give tangible expression to Saint Mary's belief in the importance of law reform.

The Commission anticipates being able to collaborate on projects in an interdisciplinary fashion with Saint Mary's faculty, students and staff. It is expected that the wide range of topics which the Commission has examined and will continue to study should prove of interest to many Saint Mary's departments, such as Commerce, Sociology & Criminology, History, Political Science, as well as the Atlantic Centre for Ethics & Public Affairs.

As well as cooperating on law reform projects with members of the Saint Mary's community, the Commission expects to be available as a potential resource for those faculty members and students doing research on aspects of Nova Scotia law and legal process. The Commission has an important tradition of contributing to public awareness and education about the law in Nova Scotia.

It is also envisaged that each of the parties would be able to enhance the other's potential for obtaining funding from time to time in respect of appropriate projects.

The Commission will continue to be an independent law reform commission, but the University and the Commission will be able to draw upon and benefit from each other's respective expertise in relation to projects and activities of mutual interest.

The Saint Mary's initiative reflects one concrete result of the Commission's attempt to re-think and re-configure itself and how it goes about its work. The Commission believes that this new partnership holds the promise of both tangible and intangible benefits for the Commission, Saint Mary's University and ultimately the public whom the Commission is intended to serve.

External Activities and Relations

The Commission and its staff consider it particularly important to maintain close liaison with the practicing bar, the judiciary, the legal academic community, the Government and others. In order to

further this objective, Commission staff have attended and participated in a number of external meetings and conferences during the past year in addition to less formal activities. In particular the Commission's Executive Director participated in the Annual Meetings of:

- the Nova Scotia Barristers' Society
- the Federation of Law Reform Agencies of Canada
- the Uniform Law Conference of Canada,
- the Canadian Institute for the Administration of Justice.

In addition the Executive Director attended various other meetings and events hosted by such organizations as the Nova Scotia Medical Legal Society, the Legal Information Society of Nova Scotia, the Canadian Bar Association - Nova Scotia Branch and the Nova Scotia Barristers' Society.

The Executive Director has also continued to maintain and strengthen the Commission's relations with sister law reform bodies and other participants in the justice system. The Commission expects to collaborate in the upcoming months with the Canadian Forum on Civil Justice with respect to a large national research project which will be carried out in part in Nova Scotia. The Executive Director has participated over the past year in a special committee of the Uniform Law Conference of Canada on public inquiries. During the course of the fiscal year, meetings have been held with, amongst others:

- the Minister of Justice and Attorney General of Nova Scotia
- the Deputy Minister of Justice and Deputy Attorney General of Nova Scotia
- the President of the Law Commission of Canada
- the President of the Canadian Bar Association
- the Executive Director of the Canadian Forum on Civil Justice
- the Associate Deputy Minister of Justice Canada
- the President (elect) of the American College of Trial Lawyers
- the President of the CBA-Nova Scotia Branch
- the President of the Nova Scotia Barristers' Society

The Commission's Legal Research Counsel made a presentation to the Canadian Bar Association-Nova Scotia, Health Law Section concerning the Hospitals Act Project and the Commission's Final Report entitled *Mental Health Provisions of the Hospitals Act.*

As part of its efforts to help set up an effective, independent law reform body in Bangladesh, the International Cooperation Group of the federal Department of Justice consulted with Commission staff and relied extensively on Commission publications, in particular, the December 2001 report, *A Continuing Need for Law Reform: The Case For The Law Reform Commission of Nova Scotia.*

During the reporting period the Commission's work has been specifically mentioned in such media as *The Halifax Chronicle Herald*, the *Lawyers' Weekly*, *Ad Hoc* (CBA-Nova Scotia), *The Construction*

Association of Nova Scotia Newsletter, and *CBC Radio*. In addition, coverage about the Commission generally or its invitation to the public for project ideas was provided by such media as *The Halifax Daily News*, *The Victoria Standard*, *The Antigonish Casket*, *The Seniors Advocate*, *Coastal Communities News*, and *Reform* (Australia).

As in previous years, Commission staff answered numerous requests for legal information by the public.

The Commission maintains on its website an open invitation to the public for project suggestions and new ideas for law reform. This invitation is also published in the *Society Record* (Nova Scotia Barristers' Society) and other media throughout Nova Scotia.

Internal Administration/organization

This was a year of further change, with four Commissioners concluding their service, and the appointment of three new Commissioners. The Commission is most appreciative of the many years of excellent service provided by Commissioners David Cameron, Gregory North, Dawn Russell and Theresa Forgeron. To replace the departing Commissioners, Ms. Diana Ginn, Associate Professor, Faculty of Law, Dalhousie University was appointed as the representative of the Law School. Ms. Darlene Jamieson and Mr. Donald McDougall, Q.C. were appointed to represent the Nova Scotia Barristers' Society. The Commission currently has six Commissioners and is anticipating the appointment of a seventh in the near future.

In the past year the Commissioners met on seven occasions. Commissioners North and Russell served as Co-Presidents of the Commission until June of 2002, when Commissioners selected David Cameron to succeed them as President. Subsequently, the Commissioners reverted to the Co-President model, selecting Commissioner Evans to act as Co-President along with Commissioner Cameron. In February of 2003 Commissioner Cameron concluded his service, and since that time Commissioner Evans has functioned as President of the Commission.

John E.S. Briggs continued to serve as Executive Director and General Counsel and William Laurence as Legal Research Counsel.

The Commission experienced one staff change with the departure of its Administrative Assistant, Franca Iussa, at the end of fiscal year 2001, after several years of commendable service. In June of 2002 Mary Bowen joined the Commission as Administrative Assistant, bringing with her many years of senior executive secretarial and related experience.

The Commission's website has undergone further changes and upgrades this year to make it more useable and informative for the public.

Funding/finances:

During the past two fiscal years commencing April 1st, 2001, the Commission has been wholly funded by the Law Foundation of Nova Scotia by virtue of a three-year grant of core funding in the amount of $250,000 per annum. The Commission is most appreciative of the Law . oundation's support, without which the Commission could not have continued to operate. The Commission has now expended the second year of the three-year grant of core funding from the Foundation. It is beginning the last year of known funding.

It was always understood by the Commission that the Law Foundation would not be able to sustain the same level of funding after the expiration of its three-year grant of core funding. The Law Foundation confirmed this understanding in a letter to the Commission in February 2003. The Law Foundation, (which receives the interest from lawyers' trust accounts), has also experienced a dramatic decline in its revenues as a result of a similar decline in the interest rates.

While the subject of future core funding from the Law Foundation is a matter under active discussion with the Foundation, it is quite uncertain what further funding the Foundation may be able or prepared to provide in the fiscal year beginning April 2004.

From the establishment of the Commission in 1991 until 2001 the Commission received on average two-thirds of its funding from the Government of Nova Scotia and the remaining one third from the Law Foundation. At the time of its establishment it had been purposely decided in discussions between the Government and the Law Foundation that the Commission would be funded equally by both. It was believed that with this funding arrangement the Commission would be, and would be seen to be, more independent than if it received all of its funds from Government. The original (1991) Commission budget was $300,000 (now $376,000 when adjusted for inflation), of which it was expected that the Law Foundation and Government would each provide half of the required core funding.

In its December 2001 report, *A Continuing Need for Law Reform: The Case for the Law Reform Commission of Nova Scotia*, the Commission stated: "*Law reform fulfills a public need....The Commission takes the position that given the need for law reform, it is not merely appropriate, but is necessary the Government participate in the funding of such initiatives.*"

The future of the Commission and its funding will be discussed in further detail in the final section of this report.

The Commission's financial statement for the year ending 31 March 2003 is attached to this report as **Appendix B**. The Commission realized a surplus in the current year of some $10,700. This was due largely to much lower than expected publication and Commissioner expenses. It is anticipated that both of these expenditure items will revert to more normal levels in the upcoming year. As well, cost of living increases over the past two years will begin to show their effect in a number of areas in the next fiscal year.

In addition to the current surplus the Commission has managed to carry over from previous years a surplus which has been carefully preserved to provide a fund for possible contract research in support of Commission initiatives as well as other future contingencies. During the current fiscal year the Commission has continued to manage its finances with care, operating within its available financial resources.

C. THE COMMISSION'S FUTURE: An Important Public Policy Issue

Some twelve years ago the Law Reform Commission of Nova Scotia was established with high hopes and for good public policy reasons. As is indicated in the introduction to this Annual Report, the idea for a permanent and independent law reform commission did not simply drop out of the sky. The idea was, rather, the result of many years of experimentation with various ad hoc approaches to law reform, all of which were found deficient.

In the twelve years since the Law Reform Commission was established, it has completed a worthwhile body of high quality work which has contributed to the betterment of Nova Scotia society.
As the Commission notes in last year's Annual Report: "*Stable core funding is essential to the healthy functioning of an independent law reform commission.*"

It is clearly apparent that without a return of provincial government funding support, the Law Reform Commission of Nova Scotia will have to cease its operations by the fiscal year ending March 31, 2004.

It is indisputable that there is a need for law reform in Nova Scotia, as elsewhere in Canada, on an ongoing, continuing basis. Law reform is an important and indeed essential aspect of good government. Law reform and its funding is, therefore, first and foremost the responsibility of government. Independent law reform agencies provide a proven and cost effective means of complementing the important and necessary legislative and law reform work carried out by legislators.

It is essential to the health of any legal or justice system that it have an effective means to renew and reform itself. Respect for the law, law reform, and the rule of law are all intimately related. Globalization of commerce, communications, and law, as well as recent international events, dramatically underscore the importance of this relationship.

It is ironic that at a time when Canada's federal Government is supporting law reform initiatives in various parts of the world and while Commonwealth law ministers are being urged by the Commonwealth Secretariat to support independent law reform agencies, we in Nova Scotia face the real prospect of losing our own Law Reform Commission.

It is understood that legislators and government officials have difficult choices to make with respect to the allocation of limited public resources. It is to be hoped that in rising to those challenges and taking those difficult decisions those concerned will give thoughtful consideration to, and discuss the

potential benefits of, continuing the Law Reform Commission of Nova Scotia. It is also to be hoped that legislators will bear in mind that there are significant social and economic costs in failing to attend to the reform, renewal and modernization of our laws. Those costs are eventually borne by all of us. The Commission believes that the future of the Law Reform Commission of Nova Scotia and whether it will continue to exist is an issue of sufficient public importance to be worthy of discussion and debate.

In summary, the 2002-2003 fiscal year was a positive one in which the Commission completed and initiated a number of important projects, continued to broaden and deepen its support in the community and enjoyed stable core funding.

While the Commission enters the upcoming fiscal year facing an uncertain, if not precarious financial future, it does so with cautious optimism buoyed by the significant support which it has received throughout the year from the practicing Bar, the Judiciary, academics, interested groups and individual members of the public.

D. COMMISSIONERS AND STAFF

COMMISSIONERS:

David A. Cameron
Commissioner (1997 - February 2003)
Mr. Cameron was appointed to the Commission by the Government in December 1997. He has a B.A. from St. Francis Xavier University and an LL.B. from the University of New Brunswick. He was admitted to the Nova Scotia Bar in 1988 and practices law with the Halifax office of the firm Patterson Palmer. He practices primarily in the administrative, civil litigation and employment and labour law areas. Mr. Cameron served as President and Co-President before stepping down in February 2003.

Thomas A. Cromwell
Commissioner (2002 -)
Mr. Cromwell was called to the Ontario Bar in 1979 and to the Nova Scotia Bar in 1984. In 1997, he was appointed to the Court of Appeal of Nova Scotia. Prior to his judicial appointment, he practiced law in Ontario and taught at the faculties of law at both Queen's and Dalhousie Universities.

Keith R. Evans
Commissioner (2002 -)
Appointed to the Commission in January 2002, Mr. Evans is an associate professor at the Faculty of Law, Dalhousie University, where he specializes in corporate and commercial law. His extensive professional background includes work as a legal academic and practicing lawyer, both in Nova Scotia and overseas. In 2002, Mr. Evans has served the Commission as Co-President and President.

Theresa Forgeron

Commissioner (1995 - June 2002)

Ms. Forgeron was nominated by the Nova Scotia Barristers' Society in February 1995. She is a resident of Sydney, Nova Scotia and practices law with the Sydney firm, H.F. MacIntyre and Associates. She has been involved in a number of community boards, a provincial government court reform study and has an extensive family law and civil litigation practice. Ms. Forgeron's term was completed in 2002.

Diana Ginn

Commissioner (June 2002 -)

Ms. Ginn was appointed by Order in Council in June of 2002. She is an Associate Professor at the Faculty of Law, Dalhousie University, teaching in the areas of property law, administrative law, health law and women in the law. Ms. Ginn specializes in research and writing in these subject areas, and has published numerous articles.

Darlene Jamieson

Commissioner (June 2002 -)

The Council of the Nova Scotia Barristers' Society appointed Ms. Jamieson to the Law Commission Board in June of 2002. She has been a partner in the law firm Jamieson Sterns since 1998 with preferred areas of practice being civil litigation, including insurance, banking, construction and employment law. She has held numerous and varied posts with the Nova Scotia Barristers' Society.

Donald H. McDougall, Q.C.

Commissioner (June 2002 -)

The Council of the Nova Scotia Barristers' Society appointed Mr. McDougall, a Partner in the firm Stewart McKelvey Stirling Scales, to the Board of the Law Commission in June of 2002. He earned his Masters degree at the University of London in England, and received his Queen's Counsel designation in 1982. Mr. McDougall was a founding Vice-President of Sport Nova Scotia, and has held various media-related posts.

Gregory North, Q.C.

Co-President (1996 - June 2002)

Mr. North was nominated by the Council of the Nova Scotia Barristers' Society in June 1996. He was admitted to the Nova Scotia Bar in 1974 and practices with North Arbitration & Mediation Services Inc. Mr. North has extensive experience as an arbitrator and lawyer in the fields of labour relations and employment law. He is also involved with a number of volunteer community organizations. He became Co-President of the Commission in January 1998. Mr. North's term expired in 2002.

E. Arleen Paris

Commissioner 2002 -)

Ms. Paris was appointed to the Commission in January 2002. She is a retired medical laboratory technologist, who worked with the Nova Scotia Department of Agriculture and Fisheries, as well as

at hospitals in Nova Scotia and New Brunswick. A resident of Truro, Ms. Paris is involved in a number of community activities.

Dawn Russell, Q.C.
Co-President - (1994 - June 2002)
Ms. Russell was appointed as the Dalhousie Law School representative and began serving on the Commission in August 1994. She is a full-time faculty member and Dean of the Faculty of Law, Dalhousie University. Ms. Russell teaches in the fields of corporate, international and environmental law. She has served on numerous community and public service boards in Nova Scotia. Ms. Russell's long service to the Commission concluded in 2002.

STAFF:

John E.S. Briggs
Executive Director & General Counsel
Mr. Briggs joined the Commission in May, 2001. He has extensive experience in the practice of law, both in the public and private sectors. He has been a practicing member of the Bar since 1974 and currently holds membership in the Nova Scotia Barristers' Society and the law societies of Ontario and the Territory of Nunavut.

He has previously acted as Director of Research to the Royal Commission on the Donald Marshall, Jr. Prosecution, Special Advisor to the RCMP Public Complaints Commission, Special Adviser to the Law Reform Commission of Canada, Special Counsel to the Assembly of First Nations, and Outside Counsel to the Federal Department of Justice. Mr. Briggs has also appeared in the Supreme Court of Canada on a number of constitutional cases, and most recently, has acted as Counsel to the Territorial Government of Nunavut.

William H. Laurence
Legal Research Counsel
Mr. Laurence joined the Commission in September, 1998. He has a B.A. (Hon.) from Carleton University, and LL.B. from McGill University as well as an LL.M. and M.L.I.S. from Dalhousie University. He worked as a legal researcher and practiced law before joining the Commission.

Mary Bowen
Administrative Assistant
Ms. Bowen joined the Commission in June of 2002. She has extensive experience in senior executive secretarial positions.

Appendix A.

The Law Reform Commission Act

CHAPTER 17 OF THE ACTS OF 1990

An Act to Establish an Independent Law Reform Commission

Short title

1 This Act may be cited as the *Law Reform Commission Act.* 1990, c.17, s.1.

Interpretation

2 In this Act, "Commission" means the Law Reform Commission of Nova Scotia. 1990, c.17, s.2.

Law Reform Commission of Nova Scotia

3 There is hereby established a body corporate to be known as the Law Reform Commission of Nova Scotia. 1990, c.17, s.3.

Object of Commission

4 The object of the Commission is to review the law of the Province and any matter relating to law in the Province and to make recommendations for improvement, modernization and reform including, without limiting the generality of the foregoing, recommendations for

(a) development of new approaches to, and new concepts of, law that serve the changing needs of society and of individual members of society;

(b) clarification and simplification of the law;

(c) removal of provisions of the law that are outdated;

(d) improvement of the administration of justice;

(e) review of judicial and quasi-judicial procedures. 1990, c.17, s.4.

Composition of Commission

5 (1) The Commission shall be composed of not fewer than five nor more than seven commissioners who may be appointed, either on a full-time basis or a part-time basis, as follows:

(a) two members of the Nova Scotia Barristers' Society appointed by the Council of the Society;

(b) a judge of a court of the Province, appointed by the Governor in Council after consultation with the Chief Justice of Nova Scotia and the chief judge of the court of which the judge is a member;

(c) a full-time member of the Faculty of Law of Dalhousie University appointed by the Governor in Council after consultation with the Dean of the Faculty;

(d) a person who is not a graduate in law appointed by the Governor in Council;

(e) where the Governor in Council determines that the Commission is to be composed of more than five commissioners, one or two persons appointed by the Governor in Council.

Term of office of commissioner

(2) Each commissioner holds office for a term of three years, except that one of the first commissioners appointed by the Council of the Nova Scotia Barristers' Society and one of the first commissioners appointed by the Governor in Council shall be appointed for a term of two years.

Ceasing to be a commissioner

(3) A person ceases to be a commissioner where

(a) that person fails to attend three consecutive regular meetings of the Commission, except where the Commission by resolution excuses the absences; or

(b) the composition of the Commission ceases to comply with this Act as a result of the person ceasing to be a person described in clause (a), (b), (c) or (d) of subsection (1).

Casual vacancies

(4) Where a person ceases to be a commissioner for any reason other than the expiration of that person's term of office, the Governor in Council or the Council of the Nova Scotia Barristers' Society, as the case may

be, shall appoint a person for the unexpired portion of the term.

Re-appointment of commissioner

(5) A commissioner whose term of office has expired may be re-appointed.

Expiry of term of office

(6) A commissioner whose term of office expires continues to hold office until a successor is appointed.

Vacancy

(7) A vacancy in the membership of the Commission does not impair the ability of the remaining members to act. 1990, c.17, s.5.

President of Commission

6 The commissioners shall appoint one of the members of the Commission to be the President of the Commission. 1990, c.17, s.6.

Remuneration and expenses

7 The President and other members of the Commission may be paid such remuneration and shall be paid such travelling and living expenses as may be determined by the Governor in Council. 1990, c.17, s.7.

Powers of Commission

8 (1) The Commission may

(a) receive and consider any proposals for the reform of the law that may be made to it by any person;

(b) initiate, carry out and direct such studies and research as are necessary to properly carry out its object;

(c) publish papers, studies or other documents prepared by or for the Commission;

(d) co-operate or enter into agreements with any organization that undertakes projects relating to the object of the Commission within or outside the Province;

(e) with the concurrence of the Attorney General and

to the extent that the Commission is able to do so without, in its opinion, impairing its ability to carry out its object or duties, provide information, research material and study results and make recommendations to departments, boards and agencies of the Government of the Province concerned with the improvement, modernization or reform of laws;

(f) regulate its proceedings and provide generally for the conduct and management of its affairs;

(g) do such things and take such measures as the Commission considers advisable for the achievement of its object, including the making of by-laws.

Duties and further powers of Commission

(2) The Commission

(a) may make use of technical and other information, advice and assistance from departments, boards and agencies of the Government of the Province;

(b) shall undertake, at the request of the Attorney General, in a manner as determined by the Commission, the examination of particular laws or branches of the law and make recommendations for their improvement, modernization and reform. 1990, c.17, s.8.

Meetings of Commission

9 The Commission shall meet at least four times in each year. 1990, c.17, s.9.

Personnel

10 (1) An Executive Director and such persons as are required for the administration of this Act and the regulations shall be appointed by the Commission, in accordance with the *Civil Service Act*.

Function of Executive Director

(2) The Executive Director has the management, direction, control and administration of the day-to-day operations of the Commission.

Advisers

(3) Notwithstanding subsection (1), the Commission may engage, upon such terms and conditions as the Commission deems fit, the services of such professional persons, technical persons and experts to advise the Commission as the Commission deems necessary for the carrying out of its object. 1990, c.17, s.10.

Appropriation of money

11 (1) Money appropriated by the Legislature for the purpose of this Act shall be paid out by the Attorney General.

Law Reform Commission Fund

(2) The Commission shall maintain an account to be under the control and management of the Commission, to be known as the Law Reform Commission Fund, into which the Attorney General may pay from time to time any sum of money appropriated and into which may be paid any sum of money contributed as a grant or gift by any person, organization or body.

Use of money in Fund

(3) Except where a stipulation or condition is expressed in relation to a sum of money paid into the Law Reform Commission Fund, the money in the Fund may be used by the Commission for the purpose of this Act. 1990, c.17, s.11.

Annual report to Attorney General

12 (1) The Commission shall report from time to time to the Attorney General and shall make an annual report to the Attorney General on the activities of the Commission.

Tabling of annual report

(2) The Attorney General shall table the annual report of the Commission in the Assembly, if the Assembly is then sitting and, if the Assembly is not sitting, within fifteen days of its next sitting.

Other report

(3) Where the Commission reviews, considers or inquires into a matter, the Commission shall make a report to the Attorney General with respect to that matter at the conclusion of its deliberations.

Publication of report

(4) The Commission may publish a report made pursuant to this Section. 1990, c.17, s.12.

Repeal

13 Chapter 251 of the Revised Statutes, 1989, the *Law Reform Act*, is repealed. 1990, c.17, s.13.

Proclamation

14 This Act comes into force on and not before such days as the Governor in Council orders and declares by proclamation. 1990, c.17, s.14.

Proclaimed	-	January 22, 1991
In force	-	February 1, 1991

Appendix B.

Financial Report for the 2002-2003 Fiscal Year

LAW REFORM COMMISSION OF NOVA SCOTIA
Balance Sheet as at 3/31/03

ASSETS		
CURRENT ASSETS		
Petty cash		25.00
Bank Operating Account	14,579.27	
T Bill Account	21,009.78	
Total Cash		35,589.05
TOTAL CURRENT ASSETS		35,614.05
FIXED ASSETS		
Computer Equipment	19,059.16	
Accum Computer Equipment	-19,059.16	
Net Office Equipment		0.00
TOTAL FIXED ASSETS		0.00
TOTAL ASSETS		35,614.05
LIABILITIES		
CURRENT LIABILITIES		
UIC Payable	0.00	
CPP Payable	0.00	
Income Tax Payable	0.00	
Receiver General Payable		0.00
TOTAL CURRENT LIABILITIES		0.00
TOTAL LIABILITIES		0.00
EQUITY		
SURPLUS		
Surplus Beginning of Year		24,908.54
Surplus Current Year		10,705.51
ACCUMULATED SURPLUS		35,614.05
TOTAL EQUITY		35,614.05
LIABILITIES AND EQUITY		35,614.05

LAW REFORM COMMISSION OF NOVA SCOTIA
Income Statement as at 3/31/03

REVENUE		
OPERATING & PROJECT INCOME		
NS Law Foundation contribution		250,000.00
Interest income		287.18
TOTAL CONTRIBUTIONS		250,287.18
TOTAL REVENUE		250,287.18
EXPENSE		
ADMINISTRATIVE EXPENSES		
Wages	155,806.31	
EI expense	3,070.12	
CPP expense	4,403.67	
Group insurance expense	5,418.50	
TOTAL PERSONNEL RELATED		168,698.60
Advertising		0.00
Non legal consultants fees		450.00
Commissioners fees & expenses		2,840.08
Electrical expense		982.66
Meeting costs		707.39
Library		1,740.02
Accounting fees		750.00
Membership dues		1,256.83
Professional fees		2,367.53
Computer software/supplies/repairs		1,098.23
Internet		1,301.95
Staff expenses		1,529.00
Temp staff expenses		5,842.14
Rent	18,654.20	
Office equipment rental	2,938.23	
Insurance	585.00	
TOTAL PREMISES RELATED		22,177.43
Office supplies	2,482.47	
Parking	630.69	
Photocopy/printing	4,776.84	
Postage & courier	1,768.35	
Telephone expense	2,867.21	
Travel/conference/workshop	7,038.45	
Staff development/registration fees	55.00	
TOTAL OFFICE RELATED		19,619.01
Bank charges		270.20
HST paid on purchases		7,865.60
GST paid on purchases		85.00
TOTAL ADMINISTRATION		239,581.67
TOTAL EXPENSE		239,581.67
NET INCOME		10,705.51

Appendix C.

List of Publications (by project) 1991-2003

Law Reform Commission Publications

(As of March 31, 2003)

Administrative Justice System (Agencies, Boards and Commissions - ABC Report)

- *Agencies Boards and Commissions: The Administrative Justice System* (Discussion Paper, January 1996)
- *Reform of the Administrative Justice System in Nova Scotia* (Final Report, January 1997)

Adult Guardianship/Advance Health Care Directives

- *Adult Guardianship in Nova Scotia* (Discussion Paper, September 1993)
- *Living Wills in Nova Scotia* (Discussion Paper, November 1994)
- *Adult Guardianship and Personal Health Care Decisions* (Final Report, November 1995)

Domestic Violence

- *Violence in a Domestic Context* (Discussion Paper, March 1993)
- *From Rhetoric to Reality, Ending Domestic Violence in Nova Scotia* (Final Report, February 1995)

Enduring Powers of Attorney

- *Enduring Powers of Attorney in Nova Scotia* (Discussion Paper, June 1998)
- *Enduring Powers of Attorney in Nova Scotia* (Final Report, September 1999)

Enforcement of Maintenance Obligations

- *Enforcement of Maintenance Obligations* (Discussion Paper, July 1992)
- *Enforcement of Maintenance Obligations* (Final Report, November 1992)
-

Future of the Law Reform Commission

- *A Continuing Need for Law Reform: The Case for the Law Reform Commission of Nova Scotia* (Report, December 2001)

Interim Payment of Damages

- *Interim Payment of Damages* (Discussion Paper, January 2000)
- *Interim Payment of Damages* (Final Report, February 2001)

Jury System

- *Reform of the Jury System in Nova Scotia* (Discussion Paper, May 1993)
- *Reform of the Jury System in Nova Scotia* (Final Report, June 1994)

Matrimonial Property

Matrimonial Property in Nova Scotia: Suggestions for Reform (Discussion Paper, April 1996)

•• *Reform of the Law Dealing with Matrimonial Property in Nova Scotia* (Final Report, March 1997)

Mechanics' Lien Act

•• *Builders' Liens in Nova Scotia: Reform of the Mechanics' Lien Act* (Discussion Paper, January 2003)

Mental Health Provisions

•• *Mental Health Provisions of the Hospitals Act* (Discussion Paper, September 2000)

•• *Mental Health Provisions of the Hospitals Act* (Final Report, February 2002)

Mortgage Foreclosure and Sale

•• *Mortgage Foreclosure and Sale* (Discussion Paper, July 1997)

•• Mortgage Foreclosure and *Sale (Final Report, September 1998)*

Probate

•• *Probate Reform in Nova Scotia* (Discussion Paper, March 1998)

•• *Probate Reform in Nova Scotia* (Final Report, March 1999)

Status of the Child Born Outside Marriage

•• *The Legal Status of the Child Born Outside of Marriage in Nova Scotia* (Discussion Paper, August 1993)

•• *The Legal Status of the Child Born Outside of Marriage in Nova Scotia* (Final Report, March 1995)

Tortfeasors

•• *Joint Tortfeasors & the Common Law "Release Bar Rule"* (Final Report July 2002)

Eleven Annual Reports

•• April 1, 1991 - March 31, 1992
•• April 1, 1992 - March 31, 1993
•• April 1, 1993 - March 31, 1994
•• April 1, 1994 - March 31, 1995
•• April 1, 1995 - March 31, 1996
•• April 1, 1996 - March 31, 1997
April 1, 1997 - March 31, 1998
April 1, 1998 - March 31, 1999
April 1, 1999 - March 31, 2000
April 1, 2000 - March 31, 2001
April 1, 2001 - March 31, 2002